

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amendment and in light of the following discussion is respectfully requested.

Claims 1-18 are presently active in this application, Claims 1, 5, 8, 11, 14 and 16 having been amended by the present amendment.

In the outstanding Office Action Claims 1, 5, 8, 11 and 14 were rejected under 35 USC §112, first paragraph, as failing to comply with the written description requirement; and Claims 1-18 were rejected under 35 USC §102(e) as being anticipated by Hasegawa (U.S. Patent No. 6,493,561).

In response to the rejection under 35 USC §112, first paragraph, the claims have been amended to state that each base station broadcasts a system ID identifying the base station, consistent with the language of original Claim 1, for example. Accordingly, no new matter has been added and it is believed that the rejection under 35 USC §112, first paragraph, has been overcome.

In light of the rejection on the merits, the claims have been further amended to state more clearly what is believed to be a patentably distinguishing feature, without the addition of new matter. To that end, amended Claim 1, for example, clarifies the features of “means for storing” so as to state, “means for storing, for each geographical area, system IDs, priority data associated with each of the system IDs, and information on whether each of the base stations offers a type of service or not; ...” Amended Claim 1 further clarifies the “second means for seizing” to state, “second means for seizing, based on the stored priority data and the stored information, one of the base stations offering the desired type of service in the geographical area when the determining means determines that the base station seized by the first means does not offer the desired type of service.” Similar language is included in the remaining amended claims.

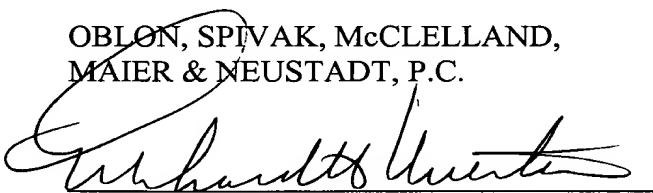
Consistent with the amended claims, Applicants point out that in practice of the present invention, SMS, WAP, etc. are exemplified as types of service, and according to the claimed invention there is provided means for storing, for each geographical area, information on whether each of the base stations offers a type of service or not. A base station to be seized is determined based on the stored information on whether or not each of the base stations offers a type of service.

However, Hasegawa does not disclose such information, let alone the feature of the present invention, wherein the base station to be seized is determined in response to a user's request. In view of this distinction, it is respectfully submitted that the pending amended claims patentably define over Hasegawa.

Consequently, in view of the present amendment, no further issues are believed to be outstanding, and the present application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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